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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,110	04/13/2004	San Arangi Soemardjan	1116109-0033	4491

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EXAMINER

MATTHEWS, TERRELL HOWARD

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 11/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,110

Applicant(s)

SOEMARDJAN ET AL.

Examiner

Terrell H. Matthews

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

FINAL REJECTION

Applicant's arguments filed 10/12/2005 have been fully considered but they are not persuasive for reasons as detailed below.

The prior art rejections are maintained or modified as follows:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-3,9-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Schneider (6880678).

Referring to claims 1,9-10,15-18. Schneider discloses a “Device For Carrying Out Work In An Elevator Shaft” as claimed. See Figs. 1-4 and respective portions of the specification. Schneider further discloses an elevator car (2) comprising: a top surface (15) of the elevator having an opening; and a refuge area structure (12) having a first panel (22) foldably connected to the opening and a second panel (12) foldably connected to the first panel, the structure having a closed position in which the first and second panels are oriented coplanar within the opening in the top surface and fill the opening; and an open position in which the first panel is oriented downwardly into the interior of the elevator car and the second panel is oriented substantially horizontally within the interior of the car and vertically below the opening to form a work platform for supporting a worker (See Col. 2 l. 45 – Col. 3 l. 55 & Fig. 4).

Referring to claims 2-3. Schneider discloses wherein the first panel (22) and second panel (12) have a length substantially equal to the length of the opening in the top surface of the elevator car, and the sum of the widths of the first and second panels is substantially equal to the width of the opening. It is broadly construed and generally understood that the length and widths of the first and second panels is equal to the width of the opening so they can fill the opening when in the closed position.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-8, 11-14, 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneider.

Referring to claims 4-7, 11-14. Schneider discloses the invention as described above in detail. Schneider does not disclose that the width of the first and second panel is at least two feet or that the length of the first and second panel is at least 2.7 feet. It would have been an obvious design consideration to one of ordinary skill in the art at the time of the invention to modify the apparatus of Schneider so that the width and length of the first and second panel was 2 feet and 2.7 feet respectively to provide an opening that was dimensioned properly for a maintenance worker to perform repair work effectively. Furthermore, a change in size is generally recognized as not being sufficient to patentably distinguish over prior art.

Referring to claim 8. Schneider does not disclose wherein the second panel is oriented substantially vertically above opening in the top of the elevator car to form an escape hatch. It is broadly construed and generally understood however that based on where the hinges are placed and the ability of the panels to pivot that the second panel could form an escape hatch. It would have been obvious to a person of ordinary skill in the art to modify the apparatus of Schneider so that the second panel could form an escape hatch to provide an easy and efficient way for passengers to escape in the event of a crisis.

Referring to claims 19-21. Schneider does not disclose wherein there is a protrusion extending from the surrounding edge. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Schneider to include protrusions that extended from the surrounding edge so that the second panel when in a closed position was helped by the protrusions to secure the panel in place.

Response to Arguments

Applicant's arguments that the prior art fails to teach the claimed features are unpersuasive. In particular, Applicant's focus on a "top surface having an opening circumscribed by a surrounding edge" is unconvincing as it is generally understood and broadly construed from Fig. 1. Schneider, as cited above shows this feature as noted in Fig. 1 wherein you can see the opening and a surrounding edge. Furthermore, Schneider discloses a first panel foldably connected to the surrounding edge and a second panel foldably and lockably connected to the first panel, wherein the structure having a closed position in which the first panel and second panels are oriented coplanar with the opening in the top surface and fill the opening (See at least Figs. 1, 4). Additionally, it should be noted that it would have been an obvious matter of design choice to have an opening circumscribed by a surrounding edge as well as provide protrusions on the extending from the surrounding edge, since the applicant has not disclosed that doing so solves any stated problem or is for any particular purpose and it appears that the

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invention would perform equally well without these limitations. Consequently, as a review of the prior art undermines the Applicant's arguments, the claims stand rejected.

Examiner has maintained the prior art rejections, statutory rejections and drawing objections as previously stated and as modified above. Applicants' amendment necessitated any new grounds of rejection present in this Office action

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

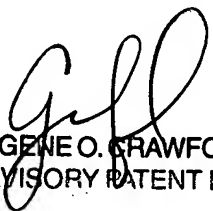
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571)272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

THM


GENE O. CRAWFORD
SUPERVISORY PATENT EXAMINER